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SEP 28 2006

OFFICE OF PETITIONS

In re Application of :
Le et al. : DECISION DISMISSING PETITION
Application No. 09/823,583 : UNDER 37 CFR 3.81(b)
Filed: 30 March, 2001 :
Attorney Docket No. :
50019.37US01/P04891 :
:

This is a decision on the petition, filed on 11 January, 2006, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Petitioners state that the assignee data was inadvertently omitted from the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioners request leave to correct the assignee data.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

It is noted that Application No. 09/823,583 issued as U.S. Patent No. 6,975,678 on 13 December, 2005.

¹ See Official Gazette of June 22, 2004

The request under 37 CFR 3.81(b) was not accompanied by a request for a certificate of correction as required by 3.81(b). As petitioner has failed to comply with the provisions of 37 CFR 3.81(a), the request cannot be granted.

A review of Office database assignment records reflects that an assignment to NATIONAL SEMICONDUCTOR CORPORATION has been recorded. Therefore, upon submission of the required certificate of correction, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that NATIONAL SEMICONDUCTOR CORPORATION was the assignee of record at the time of issuance of the instant application into a patent. Note also 35 U.S.C. § 152.

In view of the above the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a request for a certificate of correction which sets forth NATIONAL SEMICONDUCTOR CORPORATION, as the assignee.

No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision must accompany the request for a Certificate of Correction.

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, as this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

The required processing and certificate of correction fees have been received.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3231.

After the submission by petitioner of the request for a certificate of correction to correct the assignee data on the front page of the Letters Patent, any questions pertinent thereto should be directed to the Certificates of Correction Branch at (703) 305-8309.

D Wood
Douglas I. Wood
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